

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) Case No. 4:06MD1811 CDP
RICE LITIGATION) ALL CASES

CASE MANAGEMENT ORDER No. 14

This Case Management Order results from the January 29, 2009, telephone conference:

IT IS HEREBY ORDERED that the following supplemental schedule will apply in the **Texas, Louisiana and Mississippi Initial Trial Pool Cases**. CMO 11 continues to govern all provisions not modified here, and these modifications apply only to the Texas, Louisiana, and Mississippi Initial Trial Pool cases.

1. **Expert Discovery**: Plaintiffs must disclose their expert witnesses related to issues of individual damages and provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **August 20, 2009**, and shall make those expert witnesses available for depositions, and have depositions completed, no later than **August 31, 2009**.

Defendants must disclose any expert witnesses related to issues of individual damages and provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **September 14, 2009**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **September 25, 2009**.

2. **Selection of Cases for Initial Trials**: Plaintiffs' lead counsel shall select one case from each state and Defendants' lead counsel shall select one case from each state to be considered for the next trial, and shall file a joint statement listing those cases no later than **July 20, 2009**.

3. Dispositive and *Daubert* motions: For all six cases selected in paragraph 2 above for the next trial, the parties must file any motions for summary judgment or motions to exclude or limit expert testimony under *Daubert* or for any other reason by **October 15, 2009**. Briefs in opposition must be filed by **November 13, 2009**, and reply briefs must be filed by **November 30, 2009**.

4. Trials: The Court will select one of more of those six cases for the third bellwether trial, which will begin on **January 11, 2010**.

IT IS FURTHER ORDERED that the joint motion for partial modification of CMO 13 [#1015] is granted, and the case of Riviana Foods, Inc. v. Bayer CropScience LP, No. 4:08CV375CDP is set for jury trial on **April 19, 2010**. This is a special setting.

IT IS FURTHER ORDERED that the provision of CMO 3 staying all producer cases other than Initial Trial Pool cases is modified to allow plaintiffs to file amended complaints adding Louisiana State University as a defendant. All other amendments remain stayed. Plaintiffs who wish to add LSU as a new defendant should do so as soon as possible, and a deadline for doing so will be set at the **February 19, 2009** scheduling conference.


IT IS FURTHER ORDERED that the motion of certain plaintiffs for an extension of time to provide discovery [#1023] is granted.

IT IS FURTHER ORDERED that a hearing on the pending motions to remand related to the Texas Garrett defendants will be held on **February 19, 2009**

at 9:30 a.m., in advance of the status conference set later that day.

IT IS FURTHER ORDERED that motions to compel related to the Riceland discovery disputes discussed at the conference must be filed by **Monday, February 2, 2009** and opposition briefs must be filed by **Monday, February 9, 2009**. No further briefing will be allowed, but the court will hear argument on these motions along with other matters to be discussed at the status hearing on **February 19, 2009 at 1:30 p.m. in Courtroom 14 South**. Non-lead counsel who wish to be heard on these motions *may* appear by telephone.

IT IS FINALLY ORDERED that the parties are reminded of the scheduling conference on **Thursday, February 19, 2009 at 1:30 p.m.** (in Courtroom 14 South, with telephone participation allowed as in the past), and the parties are reminded of their obligation to jointly propose a schedule for discovery, motion practice, and trial or remand of the producer cases that are not in the initial trial pool no later than **February 10, 2009**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of February, 2009.